

### **REMARKS/ARGUMENTS**

In the Office Action mailed July 23, 2008 (hereinafter, "Office Action"), claims 1-18 stand rejected under 35 U.S.C. § 103. Claims 1, 4, 7, 9, 12, 15 and 17 have been amended. Applicants respectfully respond to the Office Action.

#### **I. Claims 1-18 Rejected Under 35 U.S.C. § 103**

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,519,704 to Farinacci et al. (hereinafter, "Farinacci") in view of U.S. Patent No. 5,036,518 to Tseung (hereinafter, "Tseung"). This rejection is respectfully traversed.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). As the Board of Patent Appeals and Interferences has recently confirmed, "obviousness requires a suggestion of all limitations in a claim." In re Wada and Murphy, Appeal 2007-3733 (citing CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003)). Moreover, the analysis in support of an obviousness rejection "should be made explicit." KSR, 2007 U.S. LEXIS 4745, at \*\*37. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the subject matter in these claims.

Claim 1 has been amended to recite "prioritizing requests to complete said task, if more than one request is received by said server computer from each of a plurality of computers, the requests being prioritized based upon the last completion time of a prior request." Support for this amendment may be found in Applicants' specification, for example, page 16, lines 11-12 and page

18, lines 7-8. Farinacci, alone or in combination with Tseung, does not teach or suggest this subject matter.

The Office Action relies upon Tseung to allegedly teach "prioritization." According to the Office Action,

Tseung teaches how when requests from more than one computer are received, the requests are serialized (equivalent to prioritizing requests); see column 48, lines 41-54, Tseung. The serializing of requests is a prioritizing of requests based on time. The claims themselves fail to specify the prioritizing is based on any factor other than time, hence the Tseung art's teachings of serialization are deemed equivalent to the claimed limitation of prioritization.

Office Action, pp. 17-18. The cited passage of Tseung teaches as follows:

This request will also be broadcasted. But the two requests are serialized by the retransmission station. If the request from data processing station A on behalf of user X is broadcasted first, user X will get the seat. The data processing station B detects from the broadcasted messages that the request from data processing station A has been serialized before his request which implies that the seat has just been taken by user X. Data processing station B then will have to advise user Y to book a different seat. Thus, the present invention avoids the complex problem of remote database locking....

Tseung, Column 48, lines 41-51. Thus, to the extent that Tseung's serialization may be interpreted as constituting the claimed "prioritization," this serialization involves determining which message was broadcasted first in time. In the present case, claim 1 requires prioritization "based upon the last completion time of a prior request" rather than which was broadcasted first.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from the cited references. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn because Farinacci, alone or in combination with Tseung, does not teach or suggest all of the subject matter of claim 1.

Claims 2 and 3 depend directly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 2 and 3 be withdrawn.

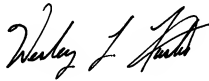
Claims 4, 7, 9, 12, 15 and 17 have been amended with subject matter similar to the subject matter of claim 1. Accordingly, Applicants respectfully request that the rejection of claims 4, 7, 9, 12, 15 and 17 be withdrawn for at least the same reasons as those presented above in connection with claim 1.

Claims 5 and 6 depend directly from claim 4. Claim 8 depends directly from claim 7. Claims 10 and 11 depend directly from claim 9. Claims 13 and 14 depend directly from claim 12. Claim 16 depends directly from claim 15. Claim 18 depends directly from claim 17. Accordingly, Applicants respectfully request that the rejection of claims 5, 6, 8, 10, 11, 13, 14, 16 and 18 be withdrawn.

**II. Conclusion**

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wesley L. Austin". The signature is fluid and cursive, with the first name "Wesley" being more prominent.

/Wesley L. Austin/

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